

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ANNETTE M. FERGUSON,

Plaintiff,

v.

Case No. 07-C-44

JO ANNE B. BARNHART,

Defendant.

ORDER

Plaintiff has filed an action for court review of a decision rendered by the Commissioner of Social Security. Ordinarily, a plaintiff must pay a statutory filing fee of \$350 to bring an action in federal court. 28 U.S.C. § 1914(a). Plaintiff, however, has requested leave to proceed *in forma pauperis*, pursuant to 28 U.S.C. § 1915.

Section 1915 is meant to ensure indigent litigants meaningful access to federal courts. *See Nietzke v. Williams*, 490 U.S. 319, 324 (1989). Under § 1915, an indigent party may commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting inability “to pay such fees or give security therefor” and stating “the nature of the action, defense or appeal and the affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1).

Plaintiff filed the required affidavit of indigence. Upon review of that affidavit, I am not satisfied that plaintiff meets the poverty requirements of 28 U.S.C. § 1915. Plaintiff is single and unemployed, and currently has no income to meet her monthly expenses other than personal loans

from her boyfriend. Plaintiff's affidavit states that she does not own a vehicle, and has no stocks, bonds, cash, bank accounts, or valuable personal items (excluding clothes and ordinary household items). However, plaintiff indicated that she pays a monthly mortgage of \$438, which suggests she has some equity in her home, although her affidavit makes no mention of same. The court cannot properly assess plaintiff's indigence in these circumstances. It may be that plaintiff has such equity in her home that allowing her to proceed *in forma pauperis* would be unwarranted. On the other hand, it may be that plaintiff's home equity is *de minimis* and would not preclude her from proceeding *in forma pauperis*.

IT IS THEREFORE ORDERED that plaintiff's request to proceed *in forma pauperis* will be held, pending timely submission to the court of an affidavit indicating the amount of equity she has in her home. If plaintiff fails to submit such an affidavit to the court within 30 days, her request to proceed *in forma pauperis* will be denied.

Dated this 13th day of February, 2007.

s/ William C. Griesbach
William C. Griesbach
United States District Judge